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OFFICE OF THE DIRECTOR
TC 3800

William M. Hanlon, Jr.
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Troy, MI 48084-3107

In re application of
Steven E. Lenda, et al.
Application No. 10/738,930
Filed: December 17, 2003
For: AIR PERMEABLE, WATER REPELLENT,
ACOUSTIC DOOR WATERSHIELD

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(ACCELERATED**
: **EXAMINATION)**

This is in response to the petition filed on December 17, 2003, to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02, VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The petition fails to adequately meet requirement (E) above. The petition includes a Detailed Discussion of the References by applicants' attorney, Mr. William M. Hanlon, Jr. Mr. Hanlon states, "All of the remaining patents in the Information Disclosure Statement teach air permeable, water repellent scrim or layers for use in a variety of garments, personal care products, medical products, protective covers and outdoor fabrics." This statement is insufficient to meet the requirement of a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

For the above stated reason, the petition is **DISMISSED**.

In satisfaction of item (B) above, the petitioner states that "(i)f the Patent Office determines that all claims presented are not directed to single invention, Applicants will make an election without traverse upon notification by the United States Patent and Trademark Office."

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

SUMMARY: Petition to Make Special **DISMISSED**.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
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KJD/rwg: 10/30/04